

The Court should deny both requests as being untimely, without a substantial basis and prejudicial to the State.

LEGAL STANDARD

The Tenth Circuit has held that:

“...broad discretion must be granted trial courts on matters of continuances. *Morris v. Slappy*, 461 U.S. 1, 11, 103 S.Ct. 1610, 75 L.Ed.2d 610 (1983); *see also United States v. Rivera*, 900 F.2d 1462, 1475 (10th Cir.1990). A trial judge's decision to deny a motion for a continuance constitutes an abuse of discretion only if the denial was arbitrary or unreasonable and materially prejudiced the [movant].”

Phillips v. Ferguson, 182 F.3d 769, 775 (10th Cir.1999).

ARGUMENT

A. Defendants’ Motion is Untimely and Provides No Basis For Modifying the Long-Established Trial Date or Schedule for Hearing on Dispositive Motions and *Daubert* Motions

Defendants’ Motion should be viewed as untimely on all counts. It comes *nineteen (19) months* after the parties were first notified by the Court that this case was set for trial in September 2009 and over sixty (60) days after the Court set the order for hearing on dispositive motions and *Daubert* motions. The Motion was filed just eleven (11) weeks before trial starts and two (2) weeks before the hearing on dispositive motions. Emphasizing the tardiness of the filing is Defendants’ motion urging expedited consideration. Dkt. #2297. In fact, but for the State’s agreement to file this Response on an expedited basis, under the standing rules of this Court, the briefing on Defendants’ Motion would not have been completed until *after* the hearing on dispositive motions. *See* LCvR. 7.2.c. As set forth herein, the timing of this Motion -- as well as the relief which it requests -- threaten to cause substantial prejudice to the State and unnecessary

chaos in pretrial preparation. There is in fact no reason for either the delay in filing the Motion or support for the relief which it seeks.

In November of 2007, when the Court set the trial for September 2009 (Dkt. #1376), it was apparent that there are complex issues in this major environmental case. In spite of the suggestion in their Motion, surely by November of 2007 Defendants had already reached their view that this case is “unusually complex.” If the complexity of this case did escape their notice until now, they provide no explanation for how that happened. In any event, the complexity of the case provides no valid basis -- particularly at this late date (*i.e.*, nineteen (19) months after the September 2009 trial setting was established) -- to modify the trial date.

Defendants should not be allowed to pass off their responsibility for the current concentration of work that needs to be accomplished before trial. Defendants have repeatedly asked the Court for additional time for their pretrial preparation thereby further compressing the trial preparation schedule. At the same time, they have repeatedly assured the Court that such extensions would not impact the long-established trial date of September 2009. For example, on February 13, 2009, Defendants requested a sixty day extension for filing the reports for their damage experts. In making this motion, they assured the Court, “no other dates . . . would be affected by this extension . . . the trial of this matter is not set until September 2009.” *See* Dkt. #1857. On March 30, 2009, Defendants asked for the discovery deadline as to a number of witnesses be moved from April 16th to May 15th and assured the Court that the request “will not affect the trial schedule.” *See* Dkt. #1946. On May 7, 2009 in a joint motion the Parties sought a thirty day extension of certain pretrial dates. Defendants again reassured the Court: “The

requested deadlines will not affect any other previously scheduled pre-trial deadlines, nor will it affect the scheduled trial date.” *See* Dkt. #2024. The Motion provides no valid basis for moving the trial date now.

On April 24, 2009, the Court set July 13, 2009 as the date for hearing on dispositive motions and July 31, 2009 as the date for hearing on *Daubert* motions. *See* Dkt. #2003. On May 14, 2009, the Court moved the hearing date for *Daubert* motions to August 13 and 14, 2009, while retaining July 13 as the date for hearing on dispositive motions. *See* Dkt. #2049. In their Motion, Defendants now claim new insight into the relationship between the *Daubert* motions and dispositive motions. Defendants would have this Court conclude that in April -- when the Court first set dispositive motions to be heard in advance of *Daubert* motions -- they did not appreciate that the State would rely in part on retained experts -- whom they intended to target in their *Daubert* motions -- in advancing its case in support of the State’s motion and in opposition to Defendants’ motions for summary judgment. Apparently, Defendants would have it that only after April passed, then all of May and virtually all of June, they concluded that the *Daubert* motions needed to be heard in advance of dispositive motions. In fact, this “revelation” came so late that it was necessary to have the briefing on their Motion expedited in order for it to be completed in advance of the July 13 date for the hearing on dispositive motions. Defendants provide no explanation as to why these matters could not have been raised in a timely manner.

B. The Motion, if Granted, Would Greatly Prejudice the State

Defendants’ Motion is in fact more in the mode of “defining” the State’s case and “spinning” to tee up the pending issues before the Court. In doing so, Defendants

substantially misrepresent the status of this matter and mischaracterizes the issues before the Court. Given the lateness of its filing, Defendants' Motion, particularly as to the request to change of the order of the motion hearings, if granted, would cause substantial chaos in pretrial preparation to the prejudice of the State. Even beyond the chaos caused by switching the hearing dates around, the Motion -- by seeking a delay in the trial -- prejudices the State by extending into the indefinite future Defendants' continued pollution of the Illinois River Watershed ("IRW").

As previously discussed, on April 24, 2009, the Court set July 13, 2009 as the date for hearing on dispositive motions and July 31, 2009 as the date for hearing on *Daubert* motions. *See* Dkt. #2003. On May 14, 2009, the Court moved the hearing date for *Daubert* motions to August 13 and 14, 2009, while retaining July 13 as the date for hearing on dispositive motions. *See* Dkt. #2049. In preparing to meet the Court's schedule, the State notified key experts to be available first for the July 31 hearing and then for the August 13 and 14 hearings. At the same time, the State's attorneys began their work in preparing to argue the dispositive motions. With less than a week to go, Defendants ask this Court to disrupt the State's preparations and impose on the State the need to reschedule the experts that might be needed for the Court's *Daubert* hearings. Such a disruption will not serve Defendants' professed goal of promoting the "efficient and full resolution of this litigation." Motion at 3. In fact, Defendants' Motion -- coming so late in the schedule -- will create chaos.

If granted, the Motion will pose a major logistical challenge for the State and will force its lawyers to change their focus from the critical dispositive motions and engage in a cram course of preparation for the argument on the *Daubert* motions. Defendants'

reason for waiting so late in the day to urge a reordering of the schedule is not hinted at in the Motion. Whatever the reason, the fact is the proposed reordering of the schedule will greatly prejudice the State.

On this ground alone, the Motion should be denied.

C. Defendants Have Misstated the Extent to Which the Course of this Case Will Be Determined by the Resolution of the *Daubert* Motions

Fundamental to Defendants' request that the Court strike the trial and reorder the hearing of the pretrial motions is their argument that the State's "case is based primarily on expert testimony If the Court excludes one or more of the challenged experts, part or all of the various claims may be ripe for summary judgment because the claims are based on the excluded expert's work." Motion at 6. It is on this basis that the Defendants claim that the *Daubert* hearing should come before the dispositive motions hearing.

The State's case is in fact based upon broad and undisputed expert analysis by scientists working for the federal government, the State of Arkansas and the State of Oklahoma -- as well as independent researchers -- all of whom have concluded that the pollution of the IRW is caused in substantial part by the land application of poultry waste. *See, e.g.*, Dkt. #2062 (State's Motion for Partial Summary Judgment, Facts, ¶48). The State's case is further built upon admissions by Defendants themselves and admissions by Defendants' retained experts. *Id.* The State's case is also supported by the State's retained experts. However, it is a gross oversimplification to argue, as Defendants do, that the State's case rests primarily upon its retained experts.

The breadth of the evidence supporting the State's case against the Defendants is exemplified by the State's Motion for Partial Summary Judgment (State's MSJ) as well

as the State's response to Defendants' motions for summary judgment. *See* Dkt. ##2062, 2171, & 2178. What follows are but highlights of that evidence to serve as illustrations of the error in Defendants urging this Court to view the State's case as one that rests primarily upon the testimony of the State's retained experts such that Defendants' *Daubert* motions have the potential of substantially derailing the State's case.

1. Admissions of Defendants, Defendants' Trade Associations, and Defendants' Experts

The numerous admissions made by Defendants, their trade associations and their experts as to Defendants' companies role in the pollution of the IRW and their knowledge of that role are set forth in detail in Paragraphs 46, 47 and 48 of the Statement of Uncontested Facts of State's MSJ. *See* Dkt. #2062, pp. 22-30. These admissions are extensive, including admissions such as those contained in the advertisement by a number of the Defendants published on December 5, 2004 telling readers of local newspapers: "Lately, a good deal of concern has been raised about the effect of excess nutrients on the land and waters of Eastern Oklahoma. So where do these nutrients come from? Nutrients can come from many sources, one of which is the use of poultry litter as an organic fertilizer. . . ." Dkt. #2081-5. There is also the advertisement of September 10, 2004, where a group of Defendant companies admitted: "[W]e have been working with the State of Oklahoma on a multi-million-dollar voluntary proposal to improve the management of poultry-related nutrients that might find their way into Eastern Oklahoma's Scenic River Watersheds. . . . We are prepared to do our part to take care of the poultry portion of the nutrient equation." Dkt. 2081-6. And there is the statement of counsel for Defendant Tyson in opening statement before the preliminary injunction

hearing: “And I don’t think there’s any question but that there has been an over application of litter on some or many farms.” Dkt. 2081-7, p. 4.

2. Findings by Government Agencies

Numerous government agencies that have looked at this issue have consistently found that the spreading of waste from Defendants’ poultry operations is a substantial contributor to the pollution of the IRW. This evidence is set forth in detail in Paragraph 48(a) of the Statement of Undisputed Facts of the State’s MSJ. These findings, include findings such as those found in the Arkansas Natural Resources Commission report, *Arkansas NPS Management Program 2006-2010 Update*, (October 1, 2005, p. 101). There it is reported: “Nonpoint source impacts affecting waters in [the Illinois River and its tributaries within Arkansas] are primarily from pasture land that is also used for application of poultry litter as fertilizer.” Dkt. 2102-6, p. 11.

3. “Nonretained” Experts

Defendants’ responsibility for the pollution of the waters of the IRW is also supported by the research of numerous experts who have worked independently of this litigation. This evidence is set forth in Paragraph 48(b) of the State’s MSJ. It includes opinions by scientists such as Indrajeet Chaubey. Dr. Chaubey -- presently with the University of Purdue and previously with the University of Arkansas -- has extensively studied the sources of nutrients in the streams of the IRW. His research has lead him to conclude: “Poultry litter is the biggest source of nutrients when you look at all of the sources, and given that fact and given the fact that it runs off fields, it will be logical to conclude that significant amount of phosphorus in the river is coming from the areas that are treated with poultry litter.” Dkt. 2088-11 (Chaubey 3/2/09 Depo., p. 192) As with

the other illustrative facts set out in this Response, the record in this matter is replete with admissible evidence by independent experts supporting the State's case against Defendants.

4. Defendants do not challenge these findings

While it is true that Defendants have built their factual defense substantially upon attacking some of the opinions expressed by Plaintiffs' retained testifying experts, Defendants do not materially challenge many of their findings. Fundamentally, Defendants do not point to even one expert that challenges the fact that their land applied poultry waste is a source of pollution of the waters of the IRW. Their factual dispute is limited to contesting some of the conclusions reached by the State's testifying experts. Even there, however, their challenges are generally limited to challenging the methodology used by the experts rather than positively asserting that poultry waste is not a source of contamination.

Defendants greatly overstate the impact which their factual defenses have upon the issues which have been joined in this matter. These disputes do not warrant the modification of the Court's scheduling order.

D. Defendants Are Not Prejudiced by the State's Compliance with the Court's Orders of January 5, 2007 [Dkt. 1016] and May 20, 2008 [Dkt. 1710], Nor Are They Prejudiced by the State's Filings Relative to Summary Judgment or Daubert

Defendants attempt to conflate two independent and absolutely legitimate actions by the State to paint a misleading picture of their being unfairly burdened in their trial preparation. They complain of the production of limited USGS data, the production of which has been ordered by the Court. At the same time, Defendants complain of the production of expert affidavits submitted in support of arguments presented in briefs both

supporting and contesting motions for summary judgment and the *Daubert* motions that have been filed by both sides. Defendants mislead the Court when they complain of “Plaintiffs (sic) . . . improper attempts to supplement their expert-based case with new sampling data and previously undisclosed expert analysis and opinions.” Motion at 8. The State is not attempting to bolster its already overwhelming case by either producing data which it continues to receive from USGS or by its presentation of affidavits of experts, either those supporting its briefs relative to summary judgment or in support or opposition to *Daubert* motions filed by the parties.

The State does continue to produce data which it receives from the USGS. It does so because it has been ordered to produce that data. *See* Dkt. ##1016 and 1710. This data is generated for the State pursuant to a contract between the Oklahoma Water Board and the USGS to collect the samples and provide the needed data from the analysis of those samples. While other data collection efforts in this matter have ceased, collecting this data is still judged by the State to be necessary. The State continues to collect this data in anticipation that it will prevail and the Court will order the IRW cleaned up. At that point, having a full data set of the water quality data in the IRW will be important to ensure the remediation is effective.

This is part of the large data set generated for this litigation which the Court required to be produced in its January 5, 2007 Order and on which its May 20, 2008 order placed strict time limits for its production. Dkt. ## 1016 & 1710. As reflected by Exhibit 1 to Defendants’ Motion [Dkt. #2296-2], since those orders are not time limited, until Defendants either has them vacated or modified, it is the State’s intent to comply with those orders. Specifically, Defendants have been informed:

As you are aware, we are under the Court's orders [DKT 1016 & 1710]. These explicitly require us to produce this data and to do so in a timely manner. Those orders were not time limited and have not been modified or vacated. I do not read compliance with these orders to be optional. The State intends to continue to comply with the order of the Court until and unless relieved of the same.

Def. Motion, Ex. 1.

There is no prejudice in this to Defendants. But Defendants cannot have it both ways. The data produced by the USGS continues to be received by the State and the State is required to produce it, so it is produced. The alternative is for the Defendants to have the orders that they have sought relative to the production of this data vacated or modified. This is much overblown by Defendants and should not be spun into a violation of the Court's orders. It is just the opposite.

As for Defendants' charge that the State continues to file affidavits by experts, the State has filed detailed briefs setting forth its defense to the unfair charge that there is any prejudice to these challenged affidavits. *See* Dkt. ## 2313 & 2314. A number of the expert affidavits of which Defendants complain are nothing other than the restatement of opinions given -- sometimes at greater length -- in the testifying expert's previously and timely disclosed expert report. The affidavit by Dr. Bert Fisher which Defendant Cargill targets contains no opinions, but is merely an affidavit verifying a summary exhibit as to STP soil levels. Other affidavits of which Defendants complain have been provided by the State's experts in direct response to *Daubert* challenges by Defendants or to support the State's *Daubert* challenges to Defendants experts.

Defendants had almost a year to develop their expert attacks on the State's experts. They now contend that the State should be foreclosed from any challenge to Defendants' experts and from any defense of the State's experts from Defendants' attack.

As set forth in the referenced briefs, Defendants are not unfairly burdened by these filings. They certainly do not provide a basis for any of the relief requested by Defendants in their Motion to modify the schedule.

CONCLUSION

Defendants have failed to provide support for their motion to reorder the pretrial schedule and strike the long scheduled trial of this matter. Contrary to their claim that their motion seeks to add efficiency to this process, it will instead add unneeded chaos. The motion should be denied in all respects.

Respectfully submitted,

W.A. Drew Edmondson OBA # 2628
ATTORNEY GENERAL
Kelly H. Burch OBA #17067
ASSISTANT ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21st St.
Oklahoma City, OK 73105
(405) 521-3921

M. David Riggs OBA #7583
Joseph P. Lennart OBA #5371
Richard T. Garren OBA #3253
Sharon K. Weaver OBA #19010
Robert A. Nance OBA #6581
D. Sharon Gentry OBA #15641
David P. Page, OBA #6852
RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS
502 West Sixth Street
Tulsa, OK 74119
(918) 587-3161

/s/ Louis W. Bullock

Louis W. Bullock, OBA #1305
Robert M. Blakemore, OBA #18656
BULLOCK BULLOCK & BLAKEMORE
110 West 7th Street, Suite 707
Tulsa, OK 74119-1031

(918) 584-2001

Frederick C. Baker (*pro hac vice*)
Elizabeth C. Ward (*pro hac vice*)
Elizabeth Claire Xidis (*pro hac vice*)
MOTLEY RICE, LLC
28 Bridgeside Boulevard
Mount Pleasant, SC 29465
(843) 216-9280

William H. Narwold (*pro hac vice*)
Ingrid L. Moll (*pro hac vice*)
MOTLEY RICE, LLC
20 Church Street, 17th Floor
Hartford, CT 06103
(860) 882-1676

Jonathan D. Orent (*pro hac vice*)
Michael G. Rousseau (*pro hac vice*)
Fidelma L. Fitzpatrick (*pro hac vice*)
MOTLEY RICE, LLC
321 South Main Street
Providence, RI 02940
(401) 457-7700

**ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA**

CERTIFICATE OF SERVICE

I certify that on the 7th day of July, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

W.A. Drew Edmondson, Attorney General fc_docket@oag.ok.gov
Kelly Hunter Burch, Assistant Atty General kelly.burch@oag.ok.gov
OFFICE OF THE ATTORNEY GENERAL , STATE OF OKLAHOMA

M. David Riggs driggs@riggsabney.com
Joseph P. Lennart jlennart@riggsabney.com
Richard T. Garren rgarren@riggsabney.com
Sharon K. Weaver sweaver@riggsabney.com
Robert A. Nance rnance@riggsabney.com
D. Sharon Gentry sgentry@riggsabney.com
David P. Page dpage@riggsabney.com
RIGGS ABNEY NEAL TURPEN ORBISON & LEWIS

Louis W. Bullock
Robert M. Blakemore
BULLOCK BULLOCK & BLAKEMORE

lbullock@bullock-blakemore.com
bblakemore@bullock-blakemore.com

Frederick C. Baker
William H. Narwold
Elizabeth C. (Liza) Ward
Elizabeth Claire Xidis
Ingrid L. Moll
Jonathan D. Orent
Michael G. Rousseau
Fidelma L. Fitzpatrick
MOTLEY RICE, LLC

fbaker@motleyrice.com
bnarwold@motleyrice.com
lward@motleyrice.com
cxidis@motleyrice.com
imoll@motleyrice.com
jorent@motleyrice.com
mrousseau@motleyrice.com
ffitzpatrick@motleyrice.com

COUNSEL FOR PLAINTIFF, STATE OF OKLAHOMA

Robert P. Redemann
David C. Senger
PERRINE, MCGIVERN, REDEMANN, REID, BERRY & TAYLOR, PLLC

rredemann@pmrlaw.net
david@cgmlawok.com

Robert E. Sanders
E. Stephen Williams
YOUNG WILLIAMS

rsanders@youngwilliams.com
steve.williams@youngwilliams.com

COUNSEL FOR DEFENDANT CAL-MAINE FOODS, INC. AND CAL-MAINE FARMS, INC.

John H. Tucker
Kerry R. Lewis
Colin H. Tucker
Theresa Noble Hill
RHODES, HIERONYMUS, JONES, TUCKER & GABLE

jtucker@rhodesokla.com
klewis@rhodesokla.com
chtucker@rhodesokla.com
thill@rhodesokla.com

Terry W. West
THE WEST LAW FIRM

terry@thewestlawfirm.com

Delmar R. Ehrich
Bruce Jones
Krisann C. Kleibacker Lee
Todd P. Walker
Christopher H. Dolan
Melissa C. Collins
Colin C. Deihl
Randall E. Kahnke
FAEGRE & BENSON LLP

dehrich@faegre.com
bjones@faegre.com
kklee@faegre.com
twalker@faegre.com
cdolan@faegre.com
mcollins@faegre.com
cdeihl@faegre.com
rkahnke@faegre.com

Dara D. Mann
McKENNA, LONG & ALDRIDGE LLP

dmann@mckennalong.com

COUNSEL FOR DEFENDANT CARGILL, INC. and CARGILL TURKEY PRODUCTION, LLC

George W. Owens
Randall E. Rose
OWENS LAW FIRM, P.C.

gwo@owenslawfirmnpc.com
rer@owenslawfirmnpc.com

James M. Graves
Gary V. Weeks
Woody Bassett
K.C. Dupps Tucker
Earl Lee "Buddy" Chadick
Vincent O. Chadick
BASSETT LAW FIRM

jgraves@bassettlawfirm.com
gweeks@bassettlawfirm.com
wbassett@bassettlawfirm.com
kctucker@bassettlawfirm.com
bchadick@bassettlawfirm.com
vchadick@bassettlawfirm.com

COUNSEL FOR DEFENDANT GEORGE'S INC. AND GEORGE'S FARMS, INC.

A. Scott McDaniel
Nicole Longwell
Philip D. Hixon
Craig A. Mirkes
McDANIEL HIXON LONGWELL & ACORD, PLLC

smcdaniel@mhla-law.com
nlongwell@mhla-law.com
phixon@mhla-law.com
cmirkes@mhla-law.com

Sherry P. Bartley
MITCHELL, WILLIAMS, SELIG, GATES & WOODYARD, PLLC
COUNSEL FOR DEFENDANT PETERSON FARMS, INC.

sbartley@mws gw.com

John R. Elrod
Vicki Bronson
P. Joshua Wisley
Bruce W. Freeman
D. Richard Funk
CONNER & WINTERS, LLP
COUNSEL FOR DEFENDANT SIMMONS FOODS, INC.

jelrod@cwlaw.com
vbronson@cwlaw.com
jwisley@cwlaw.com
bfreeman@cwlaw.com
rfunk@cwlaw.com

Robert W. George
L. Bryan Burns
Timothy T. Jones
TYSON FOODS INC

robert.george@tyson.com
bryan.burns@tyson.com
tim.jones@tyson.com

Michael R. Bond
Erin W. Thompson
Dustin Darst
KUTAK ROCK LLP

michael.bond@kutakrock.com
erin.thompson@kutakrock.com
dustin.darst@kutakrock.com

Stephen Jantzen
Paula Buchwald
Patrick M. Ryan
RYAN, WHALEY & COLDIRON

sjantzen@ryanwhaley.com
pbuchwald@ryanwhaley.com
pryan@ryanwhaley.com

Thomas C. Green

tcgreen@sidley.com

Mark D. Hopson mhopson@sidley.com
Timothy Webster twebster@sidley.com
Jay T. Jorgensen jjorgensen@sidley.com
Gordon D. Todd gtodd@sidley.com
SIDLEY AUSTIN LLP
COUNSEL FOR DEFENDANTS TYSON FOODS, INC., TYSON POULTRY, INC., TYSON CHICKEN, INC., and COBB-VANTRESS, INC.

R. Thomas Lay rtl@kiralaw.com
KERR, IRVINE, RHODES & ABLES

Jennifer S. Griffin jgriffin@lathropgage.com
David Brown dbrown@lathropgage.com
Frank M. Evans III fevans@lathropgage.com
LATHROP & GAGE, L.C.
COUNSEL FOR DEFENDANT WILLOW BROOK FOODS, INC.

Robin S. Conrad rconrad@uschamber.com
NATIONAL CHAMBER LITIGATION CENTER

Gary S. Chilton gchilton@hcdattorneys.com
HOLLADAY, CHILTON AND DEGIUSTI, PLLC
COUNSEL FOR US CHAMBER OF COMMERCE AND AMERICAN TORT REFORM ASSOCIATION

D. Kenyon Williams, jr. kwilliams@hallestill.com
Michael D. Graves mgraves@hallestill.com
HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON
COUNSEL FOR POULTRY GROWERS / INTERESTED PARTIES / POULTRY PARTNERS, INC.

Richard Ford richard.ford@crowedunlevy.com
LeAnne Burnett leanne.burnett@crowedunlevy.com
CROWE & DUNLEVY
COUNSEL FOR OKLAHOMA FARM BUREAU, INC.

Kendra A. Jones, Assistant Attorney General kendra.jones@arkansasag.gov
Charles L. Moulton, Sr. Ass't AG charles.moulton@arkansasag.gov
OFFICE OF THE ATTORNEY GENERAL, STATE OF ARKANSAS
COUNSEL FOR STATE OF ARKANSAS

Mia Vahlberg mvahlberg@gablelaw.com
GABLE GOTWALS

James T. Banks jtbanks@hhlaw.com
Adam J. Siegel ajsiegel@hhlaw.com
HOGAN & HARTSON
COUNSEL FOR NATIONAL CHICKEN COUNCIL, U.S. POULTRY & EGG ASS'N AND NATIONAL TURKEY FEDERATION

John D. Russell jrussell@fellerssnider.com
William A. Waddell, Jr. waddell@fec.net
David E. Choate dchoate@fec.net
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS P.C.
COUNSEL FOR ARKANSAS FARM BUREAU FEDERATION

Barry G. Reynolds reynolds@titushillis.com
Jessica E. Rainey jrainey@titushillis.com
TITUS HILLIS REYNOLDS LOVE DICKMAN &
McCALMON

William S. Cox III wcox@lightfootlaw.com
Nikaa B. Jordan njordan@lightfootlaw.com
LIGHTFOOT FRANKLIN & WHITE LLC
COUNSEL FOR AMERICAN FARM BUREAU FEDERATION and NATIONAL CATTLEMEN'S BEEF
ASSOCIATION, AMICUS CURIAE

Richard Mullins richard.mullins@mcafeetaft.com
McAFEE & TAFT PC
COUNSEL FOR TEXAS FARM BUREAU, TEXAS CATTLE FEEDERS ASSN, TEXAS PORK PRODUCERS
ASSN, AND TEXAS ASSN OF DAIRYMEN

s/ Louis W. Bullock

Louis W. Bullock